Offshore Oil & Gas Report

Report to the Northern Development Commissioner from the Conflict Managers Group

July 31, 2000

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INTRODUCTION

This is the second of two reports that discuss and assess the degree of interest of members of the northern coastal communities to become engaged in a community based, consensus building process to consider the merits of lifting or keeping the present oil and gas moratorium. Our report on the first phase was released September 15, 1999. The conclusions we came to are summarized in that report as follows:

> To summarize our conclusions, we have found a serious will and interest in the north to develop a process model to carefully examine the merits of this public policy issue. This cannot be done in isolation from the rest of the Province or, to some degree, the Country. The current approach should therefore be expanded to cover key elements outside the north to obtain their views but also their capacity to enlighten and inform, through objective and reliable data, the members of the northern communities, as well as the larger community, of the considerations involved. The task would then to be develop a creative and constructive process model to reach a consensus on the issue. We are confident this can be done. As we have said, the discussions that have already

> occurred have been invaluable. What is now needed is to broaden and deepen the discussions and then construct a continued process to enable the communities, particularly in the north, to examine options and make choices.

We also recommended that our enquiry be broadened to include a consideration of other, non northern parties. That suggestion was accepted and we were asked to extend our assessment by arranging discussions with groups on northern Vancouver Island, representatives of industry, environmental groups, provincial governments and the federal government.

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CONTEXT

It is important that this second phase be considered in context. To this point we have focused on making an assessment of the ideas and concerns of northerners. As we reported, members of that community want to have access to credible and authoritative information concerning the present state of oil and natural gas ocean drilling and production technology, including studies or reports that have examined the economic, social and environmental impacts of bringing on stream the East Coast operations, as well as those in the North Sea. Additionally, many of them believe it is important in forming their opinions to become informed about the regulatory regime constructed by the provincial and federal governments to deal with environmental assessment and resource management issues, together with other measures established to control and regulate the resource. At the same time, while it was clearly of value to have discussions with other parties on the views and interests of the northern coastal communities as already reported in the first phase of this enquiry, this was not done for the purpose of asking them to take a position on the merits of the moratorium but rather to explain what the northern coastal communities have said they want to do and to gauge their reactions.

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RESULTS

More specifically, we can report that as a result of our discussions with people in the northern part of Vancouver Island, we have found no discernible difference from the views of the more northern coastal communities that formed the subject of our first report. This is not surprising. It is apparent, on this issue at least, that they see themselves as part of the rest of the larger coastal community in terms of their views on the merits of lifting or keeping the moratorium. As far as our discussions with federal and B.C. government officials are concerned, these officials expressed significant, but neutral, interest. Our contact with the industry was limited to discussions with the Canadian Association of Petroleum Producers. We enquired from them whether data and information collected with respect to the exploration and production activities on the East Coast and North Sea could be made available to northerners if a further process was developed. We were assured

that this could be done. We went to the Maritime Provinces and visited some of their various regulatory bodies. Again, we were advised of their cooperation and willingness to provide needed information, studies and reports, if a community based consensus building process was established. You should know that the various government officials with whom we spoke appear to welcome this initiative and seem to feel that an informed community based dialogue on the moratorium issue would make a valuable and important contribution. Finally, we met with officials of the State of Alaska to provide them with background information. Their reaction was the same as Canadian and provincial government officials - non committal about conclusions but positive about this process.

Having completed our discussions and briefings with these groups and after reviewing the information obtained from our extensive discussions in the first phase, it might be useful to summarize our conclusions. We have been given a clear, but not unanimous, message from a wide cross section of the northern coastal community that they want to participate in a community based consensus building process if one is constructed. They wish to become better informed on the risks and benefits for themselves and the northern communities that could result if the moratorium is lifted. They want to come together to reach their own consensus as to what they believe should happen with respect to the moratorium. It is difficult to see any justifiable grounds to ignore or reject the expressed wishes of so many members of the community to meet, discuss, debate and decide together.

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PROCESS MODEL

The question then arises, what precisely might be the form and structure of the community based consensus building consultative process? There are a number of models we could present to you. However, our experience has been that for any community based process to have trust and credibility, it must be shaped and constructed by members of the community, rather than being imposed upon them by others who are outside the community. Accordingly, we would recommend that a process design group be established, numbering in the range of ten to twelve persons, and selected from the different groups that make up the larger coastal communities, such as local and regional government, First Nations, small business, larger business, fishers, environmentalists and the general public. Once selected, the process design group would meet to establish process options, select a process model and establish suitable protocols to provide the means for an effective, focused dialogue within and among the members of the communities. From the discussions we have had with northerners and in light of the high level of constructive participation we found, we have every expectation that any number of thoughtful people in the communities would be ready to serve on this process design group, if asked.

The process models developed through Round Table initiatives across Canada, including in this province, in dealing with various economic and environmental issues, can provide guidance and inspiration. In our experience, consensus building processes such as these, conducted in a spirit of respectful, practical and collaborative

decision making, can work and have been used successfully. We see no reason why the experience here will be any different.

What do we mean when we refer to a consensus building process? The idea has not been more clearly expressed than in a booklet produced by Canadian Round Tables called Building Consensus for a Sustainable Future, where it states:

> A consensus process is one in which all those who have a stake in the outcome aim to reach agreement on actions and outcomes that resolve or advance issues related to environmental, social, and economic sustainability.
>
> In a consensus process, participants work together to design a process that maximizes their ability to resolve their differences. Although they may not agree with all aspects of the agreement, consensus is reached if all participants are willing to live with "the total package".
>
> Consensus processes do not avoid decisions or require abdication of leadership - but call upon leaders to forge partnerships that work toward developing solutions. A consensus process provides an opportunity for participants to work together as equals to realize acceptable actions or outcomes without imposing the views or authority of one group over another.
>
> There are many forms that a consensus process can take. Each situation, issue or problem prompts the need for participants to design a process specifically suited to their abilities, circumstances, and issues.

Applying those principles, what might a process model look like? First of all, a site and date for a gathering together of representatives of the community - really a conference - will be selected by the process design group. Then they will need to develop appropriate ground rules and protocols for the orderly and effective functioning of the conference. Consensus processes are participant determined and driven - that is their very essence. Some of the initial questions to be examined by the process design group would include:

- establishing clear objectives;
- defining what will constitute a consensus for taking action;
- structuring how the process will look, including meeting formats, work with sub-groups,

caucuses, financial and logistical resources required and other similar ground rules;

- establishing protocols on participation, representation of community sectors, sharing of information, means to establish openness and transparency;

- establishing role and responsibility of acceptable resource persons.

Flexibility must be designed into the process from the start. It is impossible to anticipate everything in a consensus process. If it is built into the initial model, participants will be better able to handle changing situations when they arise. Also, the original design can and often will evolve as the participants become more familiar with the issues, the process and each other.

Two matters require particular comment. First, it is essential that all parts of the northern coastal community be fairly and truly represented. The process design group will know the community best and will be able to compile a list of the groups and sectors that comprise the larger community. Criteria for selecting delegations by each group or sector will have to be developed, along with realistic numbers for such delegations. Additionally, provisions must be made for participation from the public at large. The important point is that it is the people in the communities involved who must reach consensus, not the institutional, power or special interest structures.

The second matter arose time and again in our discussions with people. There is a hunger to examine information that is authoritative, timely and from neutral sources. There is no question that such information can be made available but selection should be made in the most objective and credible manner. We propose that responsibility to gather the appropriate reports, studies and papers be invested in a respected northern educational institution - perhaps UNBC or Northwest Community College. We would also propose that this information be distributed not only in traditional ways but electronically, on a web site dedicated for this purpose. Advocacy materials would not be posted but would be the responsibility of special interest groups, if they so choose.

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CONCLUSION

It is our sense of the collective will of the majority of the members of the northern coastal communities that people want to listen, examine, learn and then decide, not as individuals but as northerners, all of whom share and embrace the richness of where they live and work. Our challenge is to help them design an effective process by which they can make choices for themselves. It is our conviction that at this time, in this community, a consensus on a process can be achieved and that the public interest will be best served by securing the means to enable northerners to make this happen.

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ACKNOWLEDGMENT

We are grateful for the co-operation and insights provided by the more than 250 people with whom we had conversations during both phases of this project. We will continue to respect confidentiality in all respects but we wish to acknowledge the contributions of the following groups:

First Nations

Regional Governments

Municipal Governments

Environmentalists

Public Utilities

Port Authorities

Educational Sector

Fishing Industry

Fishers

Government of Alaska

Government of Canada

Government of British Columbia

Government of Nova Scotia

Government of Newfoundland

Canadian Association of Petroleum Producers

Small Business Sector

Big Business Sector

Private Business Persons and Consultants

and, most importantly, the large number of concerned, private citizens who shared with us so much of themselves.

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